

Senate Bill 441

By: Senators Hatchett of the 50th, Gooch of the 51st, Miller of the 49th, Goodman of the 8th, Butler of the 55th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts in general,
2 so as to provide for the reestablishment of the Criminal Case Data Exchange Board as an
3 advisory board to The Council of Superior Court Clerks of Georgia; to provide for
4 membership, selection of officers, meetings, and duties of such board; to provide for
5 continuation in office of current members; to provide for duties of The Council of Superior
6 Court Clerks of Georgia; to provide for transmission of data to the Georgia Crime
7 Information Center; to provide for definitions; to provide for implementation; to amend
8 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
9 agencies, so as to provide the Georgia Crime Information Center with grantmaking authority,
10 subject to conditions; to provide for such conditions; to provide for compliance with data
11 transmission requirements; to repeal provisions concerning the Criminal Case Data Exchange
12 Board; to provide for legislative findings and intent; to provide for related matters; to repeal
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 (a) The General Assembly finds that:

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- 1 -

- 17 (1) The state's current system for sharing criminal case data is not adequate to provide
18 to all appropriately interested parties, including, but not limited to, law enforcement
19 agencies and officers, courts, crime victims and other impacted individuals, housing
20 providers, and employers, complete criminal case data;
- 21 (2) One recent report indicates there may be as many as 7 million criminal charges
22 without a final disposition indicated, and, of those, as many as 5.4 million criminal
23 charges have languished for years;
- 24 (3) Georgia's citizens and businesses are harmed by incomplete criminal case data. For
25 example, in thousands of cases, as a result of incomplete criminal case data, citizens'
26 employability and housing opportunities have been negatively impacted; and
- 27 (4) A more uniform, modern system and framework for handling criminal case data will
28 support the state in meeting its obligations to victims to keep them informed as their
29 perpetrators make their way through the criminal justice system.
- 30 (b) It is the intent of the General Assembly that criminal case data be complete and
31 accurately reported to the appropriate state data base and be accessible to state and local
32 criminal justice agencies, employers, housing providers, victims, and all citizens.

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SECTION 2.

34 Title 15 of the Official Code of Georgia Annotated, relating to courts in general, is amended
35 in Article 1 of Chapter 6, relating to general provisions for superior courts, by revising
36 subsection (a) of Code Section 15-6-11, relating to electronic filings of pleadings and
37 documents, electronic payments and remittances, access, and public disclosure, as follows:
38 "(a) Pursuant to rules promulgated by ~~the Criminal Case Data Exchange Board~~ The
39 Council of Superior Court Clerks of Georgia, on and after January 1, ~~2019~~ 2023, a superior
40 court shall provide for the filing of pleadings in criminal cases and any other document
41 related thereto and for the acceptance of payments and remittances by electronic means."

SECTION 3.

42

43 Said title is further amended in Article 2 of Chapter 6, relating to clerks of superior courts,
44 by adding a new Code section to read as follows:

45 "15-6-50.3.

46 (a) As used in this Code section, the terms:

47 (1) 'Board' shall mean the Criminal Case Data Exchange Board.

48 (2) 'Predecessor board' shall mean the Criminal Case Data Exchange Board, which was
49 established as a board to the Criminal Justice Coordinating Council in 2018 by an Act of
50 the General Assembly.

51 (b) The Criminal Case Data Exchange Board, which was established as a board to the
52 Criminal Justice Coordinating Council in 2018 by an Act of the General Assembly, is
53 reestablished as an advisory board to The Council of Superior Court Clerks of Georgia.

54 (c) The board shall consist of 14 members as follows:

55 (1) The director of the Georgia Crime Information Center, the director of the Office of
56 Planning and Budget, the director of the Administrative Office of the Courts, the director
57 of the Georgia Public Defender Council, the commissioner of corrections, the
58 commissioner of community supervision, the executive director of the Georgia
59 Technology Authority, the executive counsel of the Governor, the executive director of
60 the Georgia Sheriffs' Association, and a representative of the Prosecuting Attorneys'
61 Council of the State of Georgia, provided that any such member may allow a designee
62 to represent him or her at a board meeting and vote in his or her stead; and

63 (2) Four members, one of whom is a superior court judge, one of whom is a clerk of a
64 superior court, one of whom is a sheriff, and one of whom is a county commissioner,
65 shall be appointed by the Governor for terms of four years; provided, however, that any
66 person who, as of June 30, 2022, was serving as a member of the predecessor board
67 pursuant to an appointment by the Governor shall continue to serve as a member of the
68 board for the remainder of the term of such appointment; and provided, further, that no

69 person shall serve beyond the time he or she holds the office by reason of which he or she
70 was initially eligible for appointment.

71 (d) In the event of death, resignation, disqualification, or removal of any member of the
72 board for any reason, vacancies shall be filled in the same manner as the original
73 appointment and successors shall serve for the unexpired term.

74 (e) Membership on the board shall not constitute public office, and no member shall be
75 disqualified from holding public office by reason of his or her membership on the board.

76 (f) The board shall elect a chairperson from among its membership and may elect such
77 other officers and committees as it considers appropriate.

78 (g) Members of the board shall serve without compensation, although each member of the
79 board shall be reimbursed for actual expenses incurred in the performance of his or her
80 duties from funds available to The Council of Superior Court Clerks of Georgia. Such
81 reimbursement shall be limited to all travel and other expenses necessarily incurred through
82 service on the board, in compliance with this state's travel rules and regulations; provided,
83 however, that in no case shall a member of the board be reimbursed for expenses incurred
84 in the member's capacity as the representative of another state agency.

85 (h) The board shall:

86 (1) Meet at such times and places as it shall determine necessary or convenient to
87 perform its duties and also upon the call of the chairperson of the board, a designee of
88 The Council of Superior Court Clerks of Georgia, or the Governor;

89 (2) Maintain minutes of its meetings;

90 (3) Propose to The Council of Superior Court Clerks of Georgia rules with respect to
91 courts receiving criminal case filings electronically and the exchange of data among
92 agencies and entities with respect to a criminal case from its inception to its conclusion;

93 (4) Participate in the development and review of this state's criminal case data exchange
94 and management system;

- 95 (5) Using the combined expertise and experience of its members, provide regular advice
96 and counsel to The Council of Superior Court Clerks of Georgia to enable such council
97 to carry out its statutory duties under this article;
- 98 (6) Carry out such duties that may be required by federal law or regulation so as to
99 enable this state to receive and disburse federal funds for criminal case data exchange and
100 management; and
- 101 (7) By November 1, 2022, after having conducted a comprehensive review of automated
102 victim notification systems, make a recommendation for adoption of an automated system
103 in Georgia that provides for individualized notification to victims of certain occurrences
104 in each case involving the victim, including, but not limited to, occurrences of arrest,
105 pre-trial release, court hearings, and sentencing. Such recommendation and any
106 accompanying report shall be transmitted to the director of the Georgia Crime
107 Information Center and be available to all members of the board.
- 108 (i) Public access to data that are collected or transmitted via the criminal case information
109 exchange shall remain the responsibility of the Georgia Crime Information Center. No
110 release of collected data shall be made by or through the Georgia Technology Authority."

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SECTION 4.

112 Said title is further amended in Article 2 of Chapter 6, relating to clerks of superior courts,
113 by revising subparagraph (a)(4)(B) and paragraph (a)(18) of Code Section 15-6-61, relating
114 to duties of clerks generally and computerized record-keeping system, as follows:

115 "(B) An automated criminal case management system which shall contain a summary
116 record of all criminal indictments in which true bills are rendered and all criminal
117 accusations filed in the office of clerk of superior court in accordance with rules
118 promulgated by ~~the Criminal Case Data Exchange Board~~ The Council of Superior
119 Court Clerks of Georgia. The criminal case management system shall contain entries
120 of other matters of a criminal nature filed with the clerk, including quasi-civil

121 proceedings and entries of cases which are ordered dead docketed. When a case is dead
122 docketed, all witnesses who may have been subpoenaed therein shall be released from
123 further attendance until resubpoenaed; and”
124 “(18) To electronically collect all data elements required ~~in pursuant to~~ subsection (g) of
125 Code Section 35-3-36, and such clerk of superior court ~~may~~ shall transmit such data to
126 the ~~Georgia Superior Court Clerks' Cooperative Authority in a form and format required~~
127 ~~by such authority and The Georgia Crime Information Center, in a form and format~~
128 required by The Council of Superior Court Clerks of Georgia, pursuant to Code Section
129 15-6-11, Any data transmitted to the authority pursuant to this paragraph shall be
130 transmitted to the Georgia Crime Information Center in satisfaction of the clerk's duties
131 under subsection (g) of Code Section 35-3-36 and to and the Georgia Courts Automation
132 Commission which shall provide the data to the Administrative Office of the Courts for
133 use by the state judicial branch. Public access to said data shall remain the responsibility
134 of only the Georgia Crime Information Center. ~~No release of collected data shall be~~
135 ~~made by or through the authority;”~~

136 **SECTION 5.**

137 Said title is further amended in Article 1 of Chapter 7, relating to general provisions for state
138 courts of counties, by revising subsection (a) of Code Section 15-7-5, relating to electronic
139 filings of pleadings and documents, electronic payments and remittances, access, and public
140 disclosure, as follows:

141 “(a) Pursuant to rules promulgated by ~~the Criminal Case Data Exchange Board~~ The
142 Council of Superior Court Clerks of Georgia, on and after January 1, ~~2019~~ 2023, a state
143 court shall provide for the filing of pleadings in criminal cases and any other document
144 related thereto and for the acceptance of payments and remittances by electronic means.”

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SECTION 6.

146 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
147 agencies, is amended in Article 2 of Chapter 3, relating to the Georgia Crime Information
148 Center, by adding a new paragraph to subsection (a) of Code Section 35-3-33, relating to
149 powers and duties of center generally, to read as follows:

150 "(7.1) Be authorized to make grants, as funds are available, to criminal justice agencies
151 for the exclusive purposes of installing or upgrading criminal justice information systems
152 to be used by such agencies for complying with their respective obligations to provide
153 information to the Georgia Crime Information Center, provided that any funds so granted
154 shall be distributed by the director of the Georgia Bureau of Investigation upon the
155 recommendation of the Criminal Case Data Exchange Board through The Council of
156 Superior Court Clerks of Georgia. Grants made pursuant to this paragraph shall be
157 administered by the Georgia Bureau of Investigation and shall be subject to audit by the
158 Department of Audits and Accounts."

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SECTION 7.

160 Said title is further amended in Article 2 of Chapter 3, relating to the Georgia Crime
161 Information Center, by revising subsection (g) of Code Section 35-3-36, relating to duties
162 of state criminal justice agencies as to submission of fingerprints, photographs, and other
163 identifying data to center and responsibility for accuracy, as follows:

164 "(g)(1) All persons in charge of law enforcement agencies, clerks of court or the Georgia
165 Superior Court Clerks' Cooperative Authority as applicable, municipal judges when such
166 judges do not have a clerk, magistrates, persons in charge of community supervision,
167 juvenile probation, or Article 6 of Chapter 8 of Title 42 probation offices, and the State
168 Board of Pardons and Paroles shall transmit to the center the information described in
169 Code Section 35-3-33 within 30 days of the creation or receipt of such information,

170 except as provided in subsection (d) of this Code section, on the basis of the forms and
171 instructions to be provided by the center.

172 (2) Compliance with the provisions in paragraph (1) of this subsection is mandatory,
173 regardless of whether the center requests the information described in Code
174 Section 35-3-33."

175 **SECTION 8.**

176 Said title is further amended in Chapter 6A, relating to the Criminal Justice Coordinating
177 Council, by revising Code Section 35-6A-2, relating to creation of the Criminal Justice
178 Coordinating Council, assignment to the Georgia Bureau of Investigation, and definitions,
179 as follows:

180 "35-6A-2.

181 (a) There is established the Criminal Justice Coordinating Council of the State of Georgia
182 which is assigned to the Georgia Bureau of Investigation for administrative purposes only,
183 as prescribed in Code Section 50-4-3.

184 (b) As used in this chapter, the term:

185 ~~(1) 'Board' means the Criminal Case Data Exchange Board.~~

186 ~~(2) 'Council' 'council' means the Criminal Justice Coordinating Council."~~

187 **SECTION 9.**

188 Said title is further amended in Chapter 6A, relating to the Criminal Justice Coordinating
189 Council, by repealing Code Section 35-6A-13, relating to the Criminal Case Data Exchange
190 Board, membership, and operation.

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SECTION 10.

192 Said title is further amended in Chapter 6A, relating to the Criminal Justice Coordinating
193 Council, by repealing Code Section 35-6A-14, relating to role of the Criminal Case Data
194 Exchange Board and public access.

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SECTION 11.

196 All laws and parts of laws in conflict with this Act are repealed.